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Highlights of the Conference on Equal Educational Opportunities were presented. The purpose of the conference was to explore possible solutions to problems that schools face in educating youth of diverse ethnic and socio-economic backgrounds. Texts of the major conference addresses included "Equal Educational Opportunities in a Changing Society" by John Hope Franklin, "De Facto Segregation and the Neighborhood School" by Dan W. Dodson, and "The Basis in Law" by Richard Mayers. Information sessions and the major concerns expressed in the reaction sessions were outlined briefly.

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CONFERENCE REPORT 1965

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COMMISSION ON EQUAL OPPORTUNITIES IN EDUCATION
CALIFORNIA STATE DEPARTMENT OF EDUCATION
MAX RAFFERTY • SUPERINTENDENT OF PUBLIC INSTRUCTION

Bennett O. Stalvey

COMMISSION ON EQUAL OPPORTUNITIES IN EDUCATION

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Executive Secretary

Theodore Neff Frederic R. Gunsky
Consultants
Bureau of Intergroup Relations
Sacramento

EQUAL EDUCATIONAL OPPORTUNITIES

IN A CHANGING SOCIETY

Report of a conference

March 16-18, 1965

West Sacramento, California

California Department of Education

Commission on Equal Opportunities in Education

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San Francisco Unified School District

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Oakland City Unified School District

John C. Connelly
San Francisco State College

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Merced County Schools Office

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INTRODUCTION

The report that follows is an attempt to capture the highlights of the Conference on Equal Educational Opportunities in a Changing Society, which was held March 16 through 18, 1965, in West Sacramento. The purpose of the conference was to explore possible solutions to problems that schools face in educating youth of diverse ethnic and socio-economic backgrounds. Speakers and panelists shared their knowledge and experience in dealing with problems of de facto school segregation and discussed techniques for establishing sound intergroup relations programs in schools and communities. Reports of compensatory educational programs for culturally disadvantaged youth were evaluated.

Texts of the major conference addresses have been included in the report together with a brief outline of the information sessions and the major concerns expressed in the reaction sessions. Some aspects of the conference were, of course, impossible to record. Among these were the lively give-and-take that characterized the small-group discussions and the warm fellowship and free interaction that took place outside the formal conference structure.

The report includes a list of the materials distributed at the conference. Upon request, and while the supply lasts, copies of the materials will be made available.

The planning and operation of the conference was a team effort. Space does not permit mention of each individual who contributed. The members of the Commission on Equal Opportunities in Education should be recognized for undertaking to sponsor a conference of this magnitude. They did so with full knowledge that, for the Commission, new territory was being pioneered. Thanks should go to Superintendent of Public Instruction Max Rafferty who issued the conference call. Credit must be given to the members of the planning committee who saw the complexities of the problems to be examined and designed the conference accordingly. The staff of the Bureau of Intergroup Relations deserves to be commended for its work in accomplishing the demanding task of arranging the many details. Efficient staff work before and during the sessions was reflected in the smooth operation of the conference.

Finally, commendations are in order to the talented conference leaders for contributing so unstintingly of their time and to the conferees who responded in a manner which makes it apparent that the effort spent in arranging the conference was worthwhile.

Edward C. Maddox
Chairman
Commission on Equal Opportunities
in Education

Wilson C. Riles
Executive Secretary

EQUAL EDUCATIONAL OPPORTUNITIES IN A CHANGING SOCIETY

John Hope Franklin
Professor of History, University of Chicago

I have been asking myself why I find it so exciting to visit California, as I have done on several occasions during the past year, and to talk with the educators of this great state. I believe I have some of the answers. In a very special way this state represents the vigor and vitality of a dynamic, everchanging society. Many of its educators realize this in a variety of ways; and it is exciting and heartening to observe the manner in which they give recognition to this highly significant fact.

It can be seen in their willingness to confront the numerous, difficult problems that are the consequence of change. It can be seen in their recognition of the fact that an honest confrontation with the knotty and difficulty and complex problems arising from social change and a vigorous search for solutions is much more responsible than turning one's back on these problems in the hope that they will somehow go away. It can be seen, also, in the many concrete steps that these educators have taken to make certain that the educational institutions in California for which they are responsible not only reflect change but facilitate in every way possible the healthy development of our society.

Another reason why I find it so exciting to visit California--it reminds me of the young high school lad who was selected to represent his school in the state oratorical contest. In rehearsing his piece before his teacher, he came to one of the most impassioned points of his discourse. As he spoke of the "heart of America" he placed his right hand over his heart. Then, as he spoke of the "soul of America" he took his hand off his heart and placed it on his left shoulder. His teacher commented that this was a rather strange gesture and she wondered why the boy took his hand from his heart at that point. He replied that no one had told him that the soul was where the heart was, and she concluded that his guess was as good as anyone else's, that it just might be somewhere else--anywhere else! I come from the Midwest--the heart of America. We like to think that America's soul is there also. But, we are forced to admit that it could be somewhere else. It could be in California!

As we look back on the role that schools have played in our changing society, we are impressed with the changing character and function of our educational institutions. In the early years of our history--long before the concept of universal education became a national goal--schools were for those, and only those, whose anticipated positions of leadership in religion and politics would benefit from formal education. No thought was given to equal educational opportunities. Indeed, there was some strange fear that excessive education for any group might raise an intellectual aristocracy that would do violence to the American ideal of "the divine average." There was a proper <u>respect</u> for learning, but there was

also the view that there was a proper place for learning--among those who needed it for some specific and good purpose.

This view could hardly have survived the powerful leveling and democratic forces in American life. And, the decline of this view corresponds almost precisely with the emergence of the view that every man was his own best counsel, whether in the fields of religion, politics, or life. It was only natural that in a country where each man regarded himself as his own master, responsible to no other man and accountable to no one, the American would demand for himself every opportunity to develop his mind and character in order to participate more fully in the decision-making responsibilities of a democratic society. It was in 1833 that Samuel Whitcomb said, "We must make moral excellence, intellectual superiority, and the useful arts...the test of responsibility and respectability, and the guarantees of individual prosperity." This view, of course, placed on the schools a new and larger responsibility--that of extending to every person the opportunity to grow in wisdom and mental strength. In a word, this view logically called for universal public education. And the nation answered the call by establishing schools for the education of all the children.

Not quite all; for there were several million children of slaves who were outside the protection and guarantee of equality before the law. Once they were free, however, and once the nation slowly and begrudgingly conceded that they should enjoy the equal protection of the laws, Negro children, too, became the beneficiaries of free, public education. The fact that the promise was seldom honored and that discrimination became the handmaiden of segregation did not detract from the fact that even little Negro children knew that universal public education was a right to which they were entitled. The very experience through which the nation passed in arriving at the view that universal education should know no color line had a profound effect on the role of the school in a society that was attempting to realize its democratic goals.

The idea of extending universal education and equal opportunities to all the children in a democracy has involved a revision of the view that some of the children, particularly Negroes, Mexicans, Orientals, and Puerto Ricans, are unable to assimilate knowledge and become useful members of society. The implications of this revised view have become obvious. Among other things, it has meant that the schools could not teach, as they had previously taught, that there are inherent racial differences in the family of man. For despite incredible social, political, and economic disadvantages under which Negroes, for example, have labored, there have been too many examples of intellectual competence, even superiority, among them to give credence to any outmoded view that race or color is relevant to learning. As early as 1826, John Russwurm, who was later an outstanding Negro journalist, was an honor graduate of Bowdoin College. A young Massachusetts Negro, W. E. B. DuBois, was the ranking student at Harvard University when he took his degree of doctor of philosophy in 1896.

Another implication growing out of the view that universal education should know no color line was the untenability as well as the un-American character of racism. The glorification of race is too reminiscent of the decadent views set forth in Thomas Dixon's The Leopard's Spots or in the Nueremberg laws to have a place in a truth-seeking democratic educational system. The racist doctrine of separate-but-equal grew out of a case of a Negro by the name of Plessy who, in 1896, elected--I use this term advisedly, elected--to sit in a coach reserved for whites. It is a curious and tragic irony of the whole question of racism that Plessy's skin was so fair that he would never have been arrested in New Orleans except that the railway conductor knew that he was reputed to have one-eighth Negro blood. Walter White, who was for many years executive secretary of the National Association for the Advancement of Colored People and who, in that capacity, witnessed many a lynching, had no discernible Negro features and was, indeed, a Negro merely by choice. The fact that the State of Virginia, in all its majestic sovereignty, has changed the definition of a Negro twice in the twentieth century--in 1910 and as recently as 1930--in an indication of how transitory and how absurd the very concept of race has become.

One further implication, especially for educators, is that the view that universal education should know no color line makes it infinitely easier for us to go about the exciting and imperative task of teaching young people the truth about themselves and about their society. Without the inhibiting consideration of race, we can seek to discover in children regardless of who they are, those great qualities of mind and heart that make teaching and learning a thrill and a delight. Truth has an integrity all its own. And, the teaching and the learning of truth constitute one of the most sublime experiences of life itself. One of the rarest privileges that our society provides is the opportunity that educators have--superintendents as well as teachers, board members as well as principals--to guide our young people in the paths of truth.

But such a high privilege and such an awesome responsibility must rest on the solid principle of equal educational opportunities for all the children of the community. Otherwise, the teaching of democracy, so important to the future of our society, will perforce be nullified. More and more our schools have become the central institutions of our expremely complex and dynamic society. With the constant movement of our population, with its social as well as it geographic mobility, and with the innumerable influences that impinge upon our society, it is the schools that are called upon to provide direction, stability, and continuity. In situations like this, our schools find themselves in a veritable swirl of admonitions and counter-admonitions. They are told that they must teach patriotism, the principles of democracy, the American ideals. It must be added hastily that in many ways our schools have done a creditable job, even in the face of conflicting, even contradictory admonitions from an overly solicitous public.

Imagine how difficult it has been for teachers whose volunteer advisers tell them to teach about the United Nations, not to teach about the United Nations; to teach that all men are created equal, not to teach the principles of equality in a democracy; to affiliate with this or that organization, not to affiliate with such groups. Not only is such arrogation of responsibility a challenge to the freedom to teach, it is also a serious threat to the effective operation of our schools in a democratic society. It confuses and befuddles; and it deflects from the pursuit of truth and the application of truth in a changing society.

While our teachers and our schools have not yielded to every irresponsible whim and foible of the all-too-often erratic judgment of misguided advisors, they have themselves often made significant and constructive innovations in our schools. Recall, if you will, the profound effect on the operation of the schools and on their service to society occasioned by the implementation of the new concept that educational experience should be a life experience. Children immediately stepped out of the role of passive, lifeless automatons into active participants in a meaningful and rewarding insight into life itself. The role of the school in a democratic society was greatly enlarged, and the opportunity for success in training young children to take their places in society was greatly enlarged. Children were introduced to the world of responsibility, of making decisions, and of discovering themselves as people. One of the most significant aspects of our society is its pluralistic nature. If our children are to learn to live in a pluralistic society, of which we are justly proud, it follows that they should be educated in schools that not only appreciate fully the nature and importance of that pluralism, but that also reflect that pluralism in their student population. (This reminds me of a very venerable eastern American college which during the 1920's and '30's excluded Negroes--although they earlier had had a number of distinguished Negro graduates. The president's argument was that since they had undertaken seriously to teach the students about Negroes, it would be better that no Negroes be present!)

We are a restless, quite mobile people. The simon-pure white, Protestant suburb of today will be, tomorrow, a community in which Jews, Catholics, Mexicans, and Negroes live. This is the inescapable history of American demography; and no gainsaying or wishing it away can change the fact. An important opportunity that all our children need is the experience of learning about peoples, all peoples; and the best way to do so, despite the view of the eastern college president, is to do so at first hand. The worthy innovation of real life experiences will have greater meaning and greater value when it is extended to include the rich variety of peoples of different races working together and before that learning together.

Another significant innovation that has meant so very much in increasing the greater effectiveness of the schools and in equalizing educational opportunities was the movement for consolidation. When I was in Australia a few years ago, the Minister of Education there told me that he regarded

school consolidation as one of the most important contributions that American education had made to the successful diffusion of knowledge. He brought to this subject a background and an experience that taught him a deep appreciation for and understanding of this development. In the western part of Australia, with children scattered over vast distances in the outback, it was simply impossible to transport these children to a central school. They therefore resorted to radio schools, with one get-acquainted meeting of the class each year. The Australian Minister of Education appreciated, as all of us have come to appreciate the importance of utilizing the total resources of the community, state, and nation in providing for all the children the best possible experience that they can get.

The Australian Minister of Education bemoaned the fact that the vast distances in the country prevented the kind of consolidation that has served to equalize educational opportunities among the rural children of the United States. But the consolidation of our schools and the transporting of our children to centers of education, as they have been transported through the past several generations, can hardly be regarded as having an importance that is limited to their physical well-being thus provided. Of infinitely greater importance is the fact that consolidation has given them the kind of intellectual and social experience that will enable them to live in the highly complex, pluralistic society in which they will be compelled to live. Consolidation, in other words, when it was pioneering in the whole area of bringing children together and providing for them an opportunity which they otherwise would not have, was not a dirty word. But, bringing children together over any considerable distance has become a dirty word when it comes to involving them in an interracial, intergroup experience.

It is impossible, therefore, to think of our schools as serving the wishes and ends of a particularistic and would-be exclusive social, economic, or racial community. Our schools have a special responsibility to serve <u>all</u> of society and to provide meaningful and realistic social experiences for all the children. Schools cannot merely teach reading, writing, and arithmetic, important as they are. They must teach children about themselves and about each other. Our schools can themselves be magnificent laboratories for racial, ethnic, cultural, and social education. Efforts to make them monolithic, homogeneous, exclusive institutions are, indeed, to strip them of the very essence of their American character. That is what makes the New York parents who fight passionately for what they call "neighborhood schools" appear both ridiculous and pathetic.

There is validity in the view that our schools are laboratories in which one prepares for life; but this validity depends on the utilization of the schools and their facilities in the interest of serving the ends of a truly democratic society. In such a society opportunities must be equal and the goals must be both worthy and realistic.

During the course of the school year, we perform extraordinary feats in the interest of enlightening our children. We take them on imaginary trips to the ancient Near East to discover the wonders of the early civilizations. We guide them through Europe so that they may know the antecedents of their own culture and institutions. We give them some information about the beginnings of their own country; and they develop some appreciation for American ideals and aspirations. I fear, however, that we do not give them sufficient opportunity to know themselves and to see that these American ideals and aspirations can never be realized except through them. I am afraid, moreover, that in the educational environment that we create and encourage we stimulate an arrogance, on the one hand, and a self-denigration, on the other, that are in themselves enemies of a free, healthy democratic social order.

A ghetto, whether white or black, is a tragic rejection of the democratic principles of equality and, more especially, equal opportunity. If it is a black ghetto, imposed and maintained by white and/or black landlords who make it virtually impossible to escape, it is an unmitigated mockery of every sacred principle to which this country is supposed to be committed. If it is a white ghetto in the form of an isolated, exclusive suburb to which whites have fled to escape the troublesome presence of peoples of different color, it is a tragic and futile effort to create a homogeneous social order that was never intended in the New World and, indeed, at this late date, never can be. Ghettoes, regardless of race, make impossible the elimination of inequality and create a climate in which equal opportunity in facilities, employment in the schools, and in the very substance of the educational process become impossible.

The teaching materials we use, especially in the social studies, have already done much to create the ghetto mind among teachers as well as among students. In 1891, a Negro historian, E. A. Johnson, commented on the way in which the ghetto mind operated in the teaching and writing of history in the United States. He said, "During my eleven years as a teacher, I have often observed the sin of omission and commission on the part of white authors, most of whom seem to have written exclusively for white children, and studiously left out the many creditable deeds of the Negro. The general tone of most of the historians...has been that of the inferiority of the Negro.... How must the little colored child feel when he has completed the assigned course of United States history and in it found not one word of credit, not one word of favorable comment for even one among the millions of his foreparents, who have lived through nearly three centuries of his country's history!" Johnson could have added, "How must the little white child feel upon finding that the only important people in the history of this country have been the white people and that, even in a democratic society that stresses equality, they are, therefore, fully justified in arrogating to themselves all the privileges and prerogatives."

It was bad enough for such a situation to prevail in 1891. It is appalling that the situation has not been greatly relieved since that time.

We are still taught, as onehistorian said recently, that "American Negroes are the only people in the world...who ever became free without any effort of their own." Thus, with one stroke of his faulty pen, this historian turned his back on the services of 186,000 Negroes who served in the Union Army during the Civil War and the thousands of others who served the Union cause as spies, scouts, and saboteurs of the Confederacy. We are still taught that it would have been unthinkable and unprecedented to give the ignorant Negro the vote just after emancipation, but we have not thought about the ignorant, unlettered Europeans who were given the vote during the period of Andrew Jackson's presidency and later, right down through the end of the century. That period is praised as the period when the common man came into his own. But, when the Reconstruction Period, during which Negroes were given the vote, is discussed, it is deplored as "a blackout of honest government." It is described as a period of "Negro rule" although Negroes did not rule anywhere. It is described as a period of Carpetbag chicanery and corruption, but it is not added that former Confederate whites during the period of Reconstruction were among those who scrambled the most vigorously to eat at the trough of corruption.

But, things are getting better, or so some people believe. Several days ago I had the opportunity to examine a textbook in U. S. history that reflected the winds of change that are demanding a better treatment of minority groups in our history textbooks. It was an old textbook that had been revised to take cognizance of the winds of change. At the end of the book, after the appendix and after the index, there was a chapter on the Negro. It was not so crude as to say that it was a chapter on the Negro. Instead, it called the chapter, "America in the early sixties." In this chapter was a discussion of emancipation and a picture of Lincoln reading the Emancipation Proclamation. This was, of course, the early sixties, but the <u>eighteen</u> sixties. There was a discussion and a picture of the Fisk Jubilee Singers going out in the eighteen <u>seventies</u>. There was a discussion of James Weldon Johnson, who died in 1938, and of the rise of Marian Anderson, who reached fame in the nineteen thirties.

One was forced to conclude that all this was an afterthought. But, one was forced also to conclude that it was ghetto history, as carefully separated from the mainstream of American history as Harlem is from midtown New York. I use this illustration not so much to single out a particular work of history as to emphasize the point that equal educational opportunity in a changing society requires a much more basic reorientation of our thinking, our teaching, and our acting than one finds in such a superficial revision in the textbooks or in any of the other areas where superficial revision goes on. We must think, from the start, of the importance as well as the difficulty of strengthening our democracy.

We certainly cannot provide equal opportunity in the field of education by patchwork, or by afterthoughts, or by some casual emendation here and there. We have so long been without equal opportunity and the damage that has been done to our society by such dereliction is so great that we must have a fundamental reorientation in our thoughts and deeds in order to achieve

it. We need not merely desegregation but real integration in our schools, among administrators, teachers, and students. We need to attack the ghetto not merely because it is one of the saddest commentaries on the failure of democracy and equality, but also because it inhibits the successful creation of an optimum learning and living situation. We need to pull our minds out of the straitjacket of ghetto thinking and address ourselves to the larger tasks of educating the whole community. We need to get the ghetto-minded teaching materials out of our schools in order to create greater dignity and self-respect and humility on the part of all our students.

As our society changes with breathtaking rapidity, our schools must maintain the pace of educating our children under difficult and changing circumstances. It will be much easier for society to maintain that pace if it does not have to be concerned with maintaining inequality, as, indeed, so many of them are required to do. What our schools need more than anything else is the support of a far-seeing and enlightened community leadership. With an ignorant, narrow, shortsighted populace, the schools will have no opportunity to establish and maintain high standards of excellence for every child, regardless of race or color or religion or national origin. With schools, interested in the maximum development of children as people, we can have some chance of realizing the goal of a truly democratic educational system. A mere contemplation of the possibilities that are within our reach to provide effective education for all our children is both exciting and challenging. I salute you in the valiant efforts you are making and will surely make to achieve the goal you have set for yourselves.

DE FACTO SEGREGATION AND THE NEIGHBORHOOD SCHOOL

Dan W. Dodson
Director, Center for Human Relations and Community Studies,
New York University

I. Background of the Problem

Perhaps the most profound revolution of our era, aside from the atomic bomb, has been the change of residential patterns of living in America. The revolution in agriculture has sent millions of people from marginal jobs on the farms to the urban centers. It has also sent millions to the West to seek new opportunity. In 1930 approximately every third person lived on the farm. By 1963 this was reduced to one in seventeen.

The part of the marginal rural population which was white has been absorbed in one way or another in the cities by the loss of their identities, with minor exceptions. The exceptions include those from the Appalachian region who have migrated into the industrial centers of the Ohio Valley, and populations such as the peoples of the foothills of the Ozarks who migrated to places like St. Louis where they are dubbed "Swamp Arks."

The migrations with which we are most concerned are of those who are ethnically identifiable, namely the Negro population and the Spanish-speaking, which includes the Mexican of the Southwest and the Puerto Rican of the Northeast. The concentration of these two populations in the centers of the large cities constitutes the major problem with which this conference deals.

In 1954 the Supreme Court in the Brown decision reversed the "Plessy versus Ferguson" decision of 1896 and said that legally segregated facilities in education could not be made equal. This decision was a legal recognition of the change in the power structure of America occasioned by population shift. Negroes in the heart of the large cities of six of the most populous states of America hold a veto power between the evenly divided political parties of those states, so that neither party can expect to capture office and hold it without coming to terms with the demands of the Negro community. The Congress of the United States was ultimately compelled to break through the filibuster barrier and bring national legislative policy into line with this decision through the Civil Rights Act of 1964.

This brief background highlights the problem of the American city today as it comes to grips with the issue of providing education for those who have suffered the traumas of discrimination and neglect in the rural South for the past one hundred years. The city is in a more difficult position in dealing with the issue today, due to the fact that in most

communities the core city has been completely surrounded by suburban political units so that any further expansion of the boundaries of the core city is impossible. As the community grows, the middle-class population which has always lived at the periphery of the city now loses its political allegiance to the core city and becomes ensconced in suburban developments. The growth of the ethnic communities in the central city has been phenomenal. In Los Angeles the growth of the Negro population I believe, was over 100 percent in the last decade. In this she has been joined by the major large cities of America in the growth of ethnically identifiable population. Since World War II approximately one million white population left New York City for the suburbs and they have been replaced by eight or nine hundred thousand Puerto Rican and Negro people. As a result, all the large cities of America are in financial straits as they attempt to marshal resources to care for this impacted marginal population. All are in trouble with their state houses. All have tended to bypass the state legislatures to go to Washington for help. The Supreme Court decision on reapportionment calling for one man, one vote, is an indication of the shifting reality of politics as population changes have taken place.

II. Nature of De Facto Segregation

In the context described above, public education is called upon to close the gap between these children of the newcomer and the sophisticated population of well-trained people in one generation. The courts said in the Brown decision that the separation of some children "from others of similar age and qualifications because of their race generates a feeling of inferiority as to their status that may affect their hearts and minds in a way unlikely ever to be undone." Immediately after the Brown decision, the question was raised outside the South as to whether there was a defensible difference between segregation that is de jure as against that which is de facto.

The legal decisions on de facto segregation are gradually spelling out the legal incumbency upon boards of education to remedy such situations. A legally trained person would be in a better position than I to trace these for this session. The substance of the present court decisions seems to be that if there has been discrimination or willful segregation, there is an incumbent liability upon the school system to deal with the consequences of such actions. If there are no such evidences of discrimination and the de facto segregation results solely from segregated residential living, the courts seem to say that school systems are not required to correct racial imbalances; however there is a somber warning in Judge Skelly Wright's speech at the New York University Law School that the courts could not long overlook the use of artifices such as school district lines or even political boundaries to achieve segregation and separation of races. I suggest that you look at the contemporary suburban sprawl and what is taking place there, where some housing tends now to be available to Negroes. The majority of court decisions in the East have come from suburban communities:

Englewood, New Jersey: Orange, New Jersey; Montclair, New Jersey; Hempstead, New York; Malverne, New York; Manhasset, New York. As migration takes place out of the ghettos in the inner cities to the suburbs, it is not inconceivable that in years to come the suburbs are going to be a checkerboard of black and white. As you move up to political boundaries, you will get whole political units of one population or another. Judge Wright said that in his judgment this question was not going to be long delayed.

On the other side, the court has also held that where a school board is of the disposition to correct racial imbalance, it is legally defensible for them to take into account the racial background of children in making school assignments. It should be noted in these latter cases that they have all been lower court decisions which the Supreme Court has refused to review. Many believe that this means the postponement of an examination of this issue until there is further accretion of evidence as to its import.

A considered judgment is that as long as the whole culture conceives an all-Negro school as inferior, this indeed makes it so. There is little evidence to suggest that morale can be maintained in such an institution, that the same quality of education can be provided, or that the same level of performance can be obtained. Hence, the assignment to such an institution becomes a violation of civil rights of children so assigned.

This point of view is supported by rulings of two state commissioners of education and your own State Department of Education. In the Orange and Englewood, New Jersey, cases, the commissioner found no evidence of discrimination between the all-Negro and other neighborhood schools, but he maintained that the sheer fact that they were racially imbalanced precluded their providing the children with a quality of education the state had a right to expect the community to provide. Hence, he ordered that racial imbalance be corrected. New York State Education Commissioner Allen made comparable rulings in Malverne on Long Island. In addition, he has directed a census to determine how many neighborhood schools there are in the entire state which have 50 percent or more Negro students and ordered that the boards of education report to him what they are doing about it. In this respect, the issue has moved away from de facto segregation as a civil rights matter and has become instead an issue of quality of education. In the last analysis, it is on this front that the issue should be fought. It should not be required that a parent take his child by the hand and go in search of his civil rights. Instead, it is incumbent upon a board of education to arrange the encounters between children of all races and backgrounds to the end that they learn the skills of citizenship commensurate with the demands of the era of which they are a part, and learn them as a matter of education. And, quality of education is not a matter of civil rights. The biggest problem is that superintendents and boards of education have found it extremely difficult to understand that this is a part of quality education. To this date, one or two minor exceptions, superintendents have not come forward to say that the correction of de facto segregation is something that needs to be done because

it makes for good education. It has been easier for the courts than for our educational leadership to see this.

III. The Neighborhood School and De Facto Segregation

In this context we come to examine the merits of the neighborhood school. All of a sudden this little old school which never had any status or prestige becomes sacred. The nearer Negroes get to it, the more sacred it becomes. Judge Kaufman said in his decision it was not "sacrosanct." The later decisions seem to concern themselves considerably with this concept of school organization. From the standpoint of school administration, the neighborhood school is a convenient way of organizing a school's program. There is practically no theory and philosophy of it, however, as an educational entity. Most rationalizations for it draw on the concept of the community school. This, however, is in error. The concept of the community school was that it served the total community, that it brought the rich and the poor, the humble and the proud, together in the great encounters in which all learned a sense of community because of their common involvement in what interestingly enough was called the "common school." Schools in the early days were called common schools because it was the common experience shared by the community's children. The community school brought all the children of the community to a common encounter. Later theory on the community school has emphasized the mobilization of local resources, the involvement and participation of all the community in the solution of the community's problems which include those of education. The neighborhood school, by contrast, has become in large urban living "a small turf" on which people hide from encounters with each other and shield themselves from involvement with those who are different. In the Lower East Side, gangs restrict their "turf" and shield themselves from the others by defending it. That is what I am saying about the concept of the neighborhood school today. We talk about "our" school, meaning that it is for us right here in our neighborhood, and this becomes a way of shutting out differences rather than an instrumentality in the community school concept that was designed to let in differences. In an era in which the goals of education are becoming increasingly regional and national, as in a mass culture, the pressure to resort to the neighborhood school is a move in a backward direction.

In another dimension, the neighborhood school likewise has its limitations. In a recent study in Mount Vernon, New York, the community planner stated that all urban planning begins with the concept of the neighborhood school. It seems patently clear that this concept is outmoded in modern urban living. In the first place, the differential demands for educational facilities cannot be met by the neighborhood school. It is not uncommon in many large cities that in one section of town children will be on double session while in others school buildings are half filled. Large developments are created in urban renewal and suburban sprawl which overnight create entire new cities. For instance, on Manhattan's east side the Metropolitan Life Insurance Company in one project, Stuyvesant Town, between 14th and 23rd Streets and 1st Avenue and the East River, built a

renewal project to house twenty-five thousand people. The city planners built two little neighborhood schools to accommodate this new development. The development was initially filled with people who were beginning their families; hence the schools were overflowing for several years. The Metropolitan changed its policy to accommodate families without children, and today the schools have unutilized space. We are going to build a new project in the Bronx, where Freedom House now is, that will house 60,000 people. That was a pretty good-sized town where I came from in Texas. And, then you talk of how neighborhood schools are going to take care of these children! In the three instances of suburban communities where I have served as a consultant on de facto segregation, the community has built public housing projects across the street from neighborhood schools which would half fill the school, and allowed the projects to become completely inhabited by Negroes, then hired a consultant to find out how to desegregate their schools.

In a deeper sense, the inadequacies of the neighborhood schools are also becoming apparent. It is next to impossible to keep the power structure of the community from discriminating against neighborhoods of people who are powerless in school, staff, and service. A distinguished educator was remarking recently that invariably the portable classrooms and the outmoded facilities are those provided for the lowest socio-economic segment of the community. This problem becomes increasingly pressing in the large city as the low-welfare-cost, high-income, middle class flees to the suburb and is replaced by the high-welfare-cost, low-income, ethnically identifiable marginal population. The tendency of school personnel is to try to preserve good education for the group which is likely to leave, to try to hold them in the inner city, even at the expense of depriving the low-income population's children of their educational birthright. The study in New York City showed the tremendous disparity of opportunity which correlated with the amount of concentration of ethnic minorities in the schools. One school in East Harlem, for instance, three years ago had 60 percent of its staff beginning their educational careers there that year, and the average tenure of all the staff in the schools was two-and-one-half years. Hunter had a model project teaching youngsters to teach in the culturally deprived areas. Forty out of 100 resigned their appointments when they found out they were going to the inner-city special service schools. I'm anxious to say that the difficulty that is involved is not alone in the provision of the facility, but the disparity of opportunity that comes out of it.

Beyond this is the larger issue still. It is next to impossible for a school system to provide two schools that are of equal status in the community. As a result, a child's sense of self-esteem is either enhanced or denigrated by the assignment. Teachers feel that they are more fortunate if they are assigned to the status school rather than the other. As a result, less is expected of children in the schools of lower status. They are harder to staff and they become difficult to administer. I would submit the proposition that it is impossible in such instances to teach "community" in such neighborhood schools where

the living arrangement teaches the children their relationships to each other rather than what the teachers say the citizenship books teach. I do not believe you can teach community in a neighborhood school--not in modern education, in modern city life. The whole living arrangement teaches the opposite. Nor does the disadvantage of such an arrangement accrue only to the minority or the child of less status. Such arrangements also teach those of the majority that it is proper for them to live with unshared privilege which in the long run becomes a corrupting influence.

In the New York Times of Sunday, June 7, 1964, nine out of fourteen houses listed for sale in Mount Vernon, New York, indicated the name of the neighborhood school in which the property was located. Three others indicated they were also north of the New Haven Railroad which divides the lesser status schools from the higher status ones. So important did seven of them consider the neighborhood school in which property was located, that they put the name of the school next to the name of the town in the classified advertisement, preceding any description of the property itself. Needless to say, none of the advertisements of properties on the wrong side of the tracks mentioned their location with regard to schools. The children really learn the social arrangements of the neighborhood. They study about citizenship in the books. They pass examinations on what the books say and perhaps what the teachers teach. However, they live what the community teaches. The neighborhood school is the outstanding mentor for it teaches not facts and information, but how one is to perceive himself in relation to others.

When I was working in New Rochelle, New York, I often remarked that it would be wonderful if there could be a "cathedral of learning" in the center of town where all the people's children could go to school together. Obviously, one could not begin over and had to live with existing neighborhood school buildings. In Englewood, New Jersey, we recommended that the de facto segregated school be closed and the available space created by its closing be used to create a community-wide sixth grade school, and the children from the closed establishment be sent to the space in the surrounding neighborhood schools which was made available by the creation of the sixth grade institution. We have had a chance to observe this community-wide sixth grade school through one-and-a-half years. The reports on it are very promising. It affords an opportunity to concentrate resources and specialists to this narrowed phase of student maturation. Only the "die-hards" would return to the segregated Negro school.

In Mount Vernon, New York, the New Haven Railroad bisects this four-square-mile community. The schools below the tracks are 75 percent Negro and those above the tracks only about 8 percent. The ideal solution to their problem would have been an educational park created by taking the air rights over the railroad tracks and covering over the excavation in which they run, thereby focusing the common school's efforts on the identity of the community rather than this fragmentation of eight separate neighborhood schools, each trying to keep the others out of its territory. The

entire community would then have had a responsibility for the entirety of the children.

East Orange, New Jersey, in a very imaginative proposal has recently projected an educational park in the center of town which will serve all the community's children from pre-school through junior college. They intimated that this could obviously not be done overnight, but that the building costs would be less than the maintenance and supervision of widely dispersed buildings.

We are at present in the midst of a study of the borough of Brooklyn in New York City on de facto segregation in the junior high schools. Because of the density of population, these institutions are close enough together that it would be possible to achieve desegregation of a large portion of the borough's 375,000 ethnic population by merging three such junior high schools and their feeder schools into an educational complex in which an entire junior high school building would now serve only one grade instead of three. This would expand the concept of community at least from this one little neighborhood to a wider area and a wider sense of community. With the arrangement of the three buildings in the complex, it would mean that all the children from this wider area would go to school together through three years of experience, with each year of that experience in a different building. This would expand the concept of "Who is my neighbor?" and would broaden the sense of community to a considerable degree. It would lead wider segments of the youth to types of encounters with people of other backgrounds. Equally important, it would help impress upon the wider community the fact that no segment can live with unshared privilege and deprive others of equal resources and opportunities. At this point we are also grappling with the concept of educational parks in the inner city to expand the sense of neighborhood to that of community.

In Greenburgh 8, which was referred to a while ago, a suburb in North White Plains that has a Negro section, there was an outstanding leader many years ago who said when the suburban development overtook them and they had to have another building, "I think it would be very undesirable for us to build another building over here. This one would become very heavily of one racial group, and that one of another." He said, "Wouldn't it be possible for us to send the first three grades into one of the buildings and the next three grades into the other building? We would provide buses to take the children who had farther to go." A lot of people complained about this but he had a very persistent, persuasive quality about him--which today, by the way, is being lost as an art of being a superintendent, it seems to me--and was able to coax them into giving it a try.

A few years later, the growth of the community occasioned the need for even another elementary school building, and today the first two grades go to one building, the next two go to the next, and the next two to the next. And they find wonderful uses for the buses in their educational programs for instance as they take kids on trips. But the sense of community has been maintained as the population has grown. They wouldn't go back to what they had.

We came in to help the community with the problem of grouping. A lot of the white parents were just sure that you couldn't have these kids in class with these other children and not have the academic progress of the upwardly mobile, college-bound white kids impaired. I'm happy to say that our study showed that by in large, in relation to their IQ's, they were just about in orbit. There wasn't any great problem. We were able to help them get a little grant from the government, "Project Able," they call it, which made it possible for them to provide a lot of additional services in taking up the slack for the others of these children.

I want to say two things about this that will be a digression here, if you don't mind. The first is that the only guarantee that you are going to provide the quality of education that is demanded for all the children of the community is for all the people's children to share such facilities as you have equally. This is becoming abundantly clear. You get the threat that people are going to move out of the community, and I think you have to understand that part of the reason whether they move or not is whether there is good education. Those who can enjoy the good education, if they can keep from getting involved with others, will sit and enjoy it and not even fight for education for everybody. But, the only way you can get good education for the whole community is to have such facilities as exist equally shared by the whole community. Then you are going to get that community busy in dealing with this.

I was helping Washington, D. C. on desegregation in 1954. As we were leading sessions to discuss the methods of desegregating the school system, it was quite evident that a lot of Negro children were going to show up not performing as well as the others. The staff that was Negro in the section were quite concerned that this might show up to their disadvantage. They would be the fall guys. I was down there about a year later and went into the board's headquarters and the whole first floor was filled with people, about half Negro and half white. I said, "What are all these people doing here?" "Well," they said, "there is a board meeting this afternoon and these are parents who have come to protest the overcrowding in the schools." For a long time it had been simply a Negro problem, the overcrowding, because the Negroes were moving in. (And, by the way, the migration of whites out of Washington started a long time before the desegregation of the schools, and moved as precipitously then as it has moved since. It is no more of a problem than it is in the heart of comparable areas of large urban complexes. It has been more pronounced since then in Chicago, where Mr. Willis stands as the symbol of "I shall not be moved.") But, as long as it was a Negro problem, it wasn't a community problem. When it become a community problem, the community turned out to do something about it.

The second thing that is related here is the whole problem of grouping, and whether or not children are penalized in this sort of thing. This is a problem education has been grappling with for a long time, of course, and I guess if we took a census of the educators who are here a majority of them would say they were for a narrower range of ability

grouping. But, I think we are being brought to confrontation with how you deal with these wider ranges of ability which are educational matters and not racial matters. They are problems which are not unique to dealing with interethnic issues. The difference is that the Negro child or the youngster who is ethnically identifiable puts a tracer on your problem to be sure that you are not going to hide it now. But, somewhere we have to come to grips with this thing. One person in the Washington schools said that if they would leave it up to her she could still have segregated education in the same building, and I think she might have for a large segment of the children. But, I would submit to you that if a teacher is worth her salt and if children were as much alike as the IBM cards could sort them, her job would be to make them as different as possible as quickly as possible. That is what education is about. We get quite threatened by these middle-class parents who want us to launch their children in an academic stratosphere by day after tomorrow. The teacher feeling the threat of this, and without anybody to shield her, feels that she has got to perform. In good education the child has to perform. But, here the teacher feels she has to perform, she has to produce. What she does is to demand that the kids be as narrowly segregated as possible because they must all concentrate on her performance, and they must all be measured by one single narrow gauge of performance when they are through--which means making them as much alike as we can make them. And, the main thing she does is "yak" at them all day as she tries to make sure that she is in a defensible position in leading the class. The result is that we violate all we know about the growth and development of children and what education is all about. Of course, it provides a ready-made criticism of bringing youngsters of wider ability grouping, especially if they are identifiable, into these encounters with each other. This is an educational matter that we are going to have to deal with.

IV. Toward Quality Education

We now turn to the challenges that are provided to meet the issues which have been outlined. We now face what public education has never faced before except with a Jewish group. This is the responsibility of bringing the children of this generation into full-scale participation as citizens regardless of what their heritage might have been. Heretofore with past migrations public education shared this responsibility with non-public schools. Hence, it was excused from the total task of closing the gap for these groups. There are still vestiges of Italo-American and Polish American neighborhoods in many of our cities where the public school was sort of an annex to the parochial and in the name of cultural autonomy, the children of the marginal were neglected by public education. A leader from one of these neighborhoods was amazed when he found that the achievement levels of his ethnic group were below those of some of the Negro neighborhood schools. This really was a blow to his ego. He said, "Thank God, at least one thing we will get out of this (i. e., study of racial imbalances) is good education for all." He was amazed to find the gap which still existed between the achievement of the children of his heritage and the accomplishments of the remainder of the white community.

Commissioner Keppel stated recently that he welcomed the pressure the Negro community was bringing for it meant at last that it would bring good education for the whole of the society. We are today forging the new designs of urban living. These are the delineations of the society of the future for the city is the pattern setter. Many feel tremendously threatened that time-honored traditions do not seem adequate for this dynamic task. As one listens to the hue and cry about busing these "poor little children" in order to achieve racial balance, he realized the ramifications of this adjustment. I am told that the State of California buses 800,000 youths each year at a cost of $92,000,000 in the name of quality education. Buses and central schools have been the salvation of rural children. It is not uncommon that they are hauled thirty miles per day each way for time spans requiring thirty to forty-five minutes. Some people who believe this is good education, however, cannot understand why one would expect children to spend ten minutes traveling by bus to go outside the neighborhood for a desegregated educational experience.

In our area the "snootiest" education is in private schools. These children are hauled by bus all over town. One local charity's representative related the way they haul pre-school children in the summer from the Navy Yard section in Brooklyn to Coney Island, a distance of forty-five minutes. Ten minutes by bus, however, to achieve desegregation is academic heresy.

While serving as a consultant to the Board of Education of New York City on planning for the pairing of some of these neighborhood schools, I was tremendously impressed with the challenge which we faced. The Board of Education had the leadership of the parents association, the principal of the two schools to be paired, the district superintendent, and a few other interested citizens together to plan for the changeover in the fall. As they came to this confrontation, one could not help but feel the thrill of what was happening as they worked their problems out. One mother was concerned about the danger of crossing the busy street. Another reminded her that only a few blocks away on this very street was located a school building which drew over half the children from either side of the street, hence one half of the student body crossed the street twice each day and no one had ever been hurt. Another intimated that her child had been assigned to a gifted class in another school building which required that she cross the street at this very point twice each day and she was very happy to have the assignment. Another mother was concerned with academic standards if the children from the other school joined with the children of her school. The principal of the second school assured her that the children of his school would be academically worthy classmates of her child. One of the stereotypes being corrected for her was that "If they are Negro children, their school must ipso facto be a blackboard jungle kind of institution." Still a third mother said, "What's to happen to relinquished time for religious instruction? As it is, I take my little ten-year-old by the hand and his little feet scarcely touch the ground as we rush to religious instruction. What's to happen to this?" I had no answer as to what would happen, but I felt that she and her spiritual

mentor and the entire community were brought to kinds of confrontations in which some of these values were in sharp focus. There was a kind of growth about it that was thrilling to behold.

On the other hand, as the parents and taxpayers group marched with the hostility and hatred in their faces and one listened to their complaints he almost wished that what they said was because of bigotry rather than what he believed he heard. Some said, "What if he had a bellyache and I wasn't there?" Another said, "What if it rained and he didn't have his rubbers?" Another said, "What if he should get hit, off over there?" And, another was almost in tears and said, "What if he had a feeding problem?" In all charity one wondered if the greatest gain out of the pairing of the schools might be that it extricated these white children from the clutches of dominating middle-class mothers who had been seduced by the feminine mystique and who were really latching onto their children and, in a sense, crippling them in an attempt to find meaning for their own unfulfilled lives. This group obviously got the headlines, but the new designs of a quality education were being spelled out as these parents came together in the great confrontation in the planning and development of these new inner-city patterns of life.

In the next few years, America will have made the crucial decisions as to her place in the world that is aborning. The city has always been the great civilizing influence in history. It took the poor, the humble, the despised, and not wanted, and brought them to the great encounters with a dynamic urban milieu. In X plus 1 or X plus 2 generations, they were transmuted into urbane, sophisticated, humane people. It is also the history of civilizations that they amassed such large numbers of marginal peoples in their cities and found it easier to keep them amassed rather than integrate them purposely into the common life of the community. Today there are more than a million more people living in the slums of America than live on the farms, with a million more yet to come. The issue is whether we will have the moral resolution to see this task through, or whether we will go the way of past civilizations. This task of purposeful integration cannot be accomplished by people hiding from each other in lily white suburbs, in segregated churches, or in racially imbalanced neighborhood schools. The challenge which de facto segregation presents is not simply whether we will do something for the poor minorities. As important as it may be to meet the unique needs that they have, the issue in the larger perspective is whether or not this intergroup relations issue brings us to sufficient confrontation in sufficient time that we may save our own souls in the majority group and preserve our way of life as well.

FROM THE QUESTION PERIOD:

--What do you do about the urban dinosaur--the sprawling situation where you have a vast ghetto and can't bus the kids out because it would take half a day?

I think there are numerous places where other factors may cancel out the value of a desegregated educational experience. In the foreseeable future, for instance, I do not see how you could desegregate the elementary schools in New York City. The sheer logistical problem of moving that many children at the rush hours of the day seems to me insuperable. But, that doesn't mean that segregated education is desirable, and it ought not to preclude the daring and imaginative things we can try to do as policy in the school system in order to deal with it.

As we come to this kind of issue, I think we should assign a weight to mixing as a value. There are many other values that go into school assignment. It is a matter of how much weight you give to each.

In Brooklyn, with 375,000 minority population, I would say that at the junior high school level desegregation is now a political matter rather than an educational one. I believe it can be done, and to an educational advantage. But for some children in some places, I think the facts at this time are against desegregation.

Still, I think we can go much farther than we have in most cases, and that by planning we can do a lot more than we have done--in particular, if we plan for larger patterns of educational concentration.

Children can go to school together in a one-grade school, or a two-grade school, or three. I don't see a great deal of difference between any of these groupings. Don't let this get back to New York, but we think we have got consensus on the Allen Report--at least a good number of us can agree it is something we can work for, and we fall apart when we start working for something else. But I would submit to you that if the administrators had nothing else to do for the next ten years, the reorganization of the bureaucracy of the school system into a four-four-four pattern rather than the present K-6-three-three would keep them occupied. You would be pulling them off the problem of desegregation to that of reorganizing the school system, which I think doesn't make much sense. But, if it makes them happy, I can live with it.

I see advantages in a one-grade school. The concentration of resources for the stage of maturation in the sixth-grade school in Englewood, New Jersey, can provide a lot of good things. I see advantages in the three-grade or two-grade pattern in Greenburgh School District 8. Provided it is done with educational imagination and insight, I don't think the particular method makes much difference. Schools are organized for the advantage of the adults in administering them, by and large, not

for the growth and development values of kids. Junior high schools have no integrity in educational theory and philosophy. They were organized after the first World War because the space was needed. It was easier to do it that way than another. Educators got together and built a whole lot of rationalization about this being "God's gift to secondary education," but it was done after the fact. I don't think the pattern makes a great difference, to tell the truth.

But, back to the one-grade school! In Englewood, New Jersey, before the desegregation pupils and teachers were being sent to Siberia, or they got a break and were assigned to the "good" schools. Now all the sixth-grade teachers are assembled in the sixth-grade school, and it became a different institution with a different kind of integrity and no sense of, "Gee, I got this school and someone else got that school." ...

What happens with the people who resisted it, those who were antagonistic, once the bodies are mixed?

What happens then is a matter of good education, a matter of the skill and leadership of the school people. I have been involved recently with an effort to evaluate six elementary schools, where the board of education used open enrollment and allowed children from overcrowded inner-city schools to go to some of the half-filled schools farther out. Among other things, we gave the kids sociometric choices--five choices in the classroom and five on the playground, to see in what roles they accepted each other. In one of the schools, of 44 of the white boys with 440 choices, only one boy made one choice across the race line to choose a Negro youngster in one role. In another school, 88 white boys with 880 choices made 116 across the line, and this was about the proportion of Negro youngsters in the group. Now, in the latter instance, the children came together somewhat as cultural peers. They were well accepted and, interestingly enough, as well rejected. A fellow was on his own for what he was. It wasn't because he was Negro, in spite of his being Negro, apparently, which seems to be very good. But in the other case--don't hold me to this; I didn't make the data, I only collected it--where they were strangers in a foreign land, practically, where you just had co-racial education in the same building, and where they were highly motivated academically in the host school, the open-enrollment kids made better achievement scores than in the other school where they were well accepted.

THE BASIS IN LAW

Richard Mayers
Deputy Attorney General, State of California

This meeting is to be devoted to ways in which we can meet the problem of de facto segregation in our schools, and I have been asked to discuss with you what the law says and what the courts say about it. The determination of what the law is this week or next week, or what the law requires of you or what the law forces you to do, are questions that get in the way of solving the problems of educational inadequacy caused by segregated education. They get in the way of meeting the underlying moral problems raised by segregation itself. None of us spends a great deal of time determining, discussing, arguing or litigating the question as to what extent the U. S. Constitution requires us to do something to alleviate poverty or to improve housing conditions or to provide health care for the aged. Similarly, we need not be too engrossed with determining whether or how far the Constitution forces us to take such action as may be feasible to eliminate de facto segregation in our schools.

Your meeting is to be devoted to ways in which this problem can be dealt with. In order that you may proceed with this constructive task, let me then address myself to two related questions:

1. May a school board constitutionally recognize the racial composition of a school or neighborhood for the purpose of taking action to reduce de facto segregation?

and

2. Does a school board have a duty to try to reduce racial imbalance which exists as a result of housing patterns or other factors over which the school board has no control?

First, may a school board constitutionally recognize the racial composition of a school or neighborhood for the purpose of taking action to reduce de facto segregation?

I wish to emphasize that I will be focusing on the problems as they relate to California school boards. My primary emphasis will be on the policies, statutes, and court decisions in California.

In the packet you received there is a summary of California material in this field.* I shall not take time to go through it with you, but shall only underline some of the most important items.

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*California Laws and Policies Relating to Equal Opportunities in Education. California State Department of Education, Sacramento, 1965.

In 1962, the State Board of Education issued a statement in which the Board stated forcefully that the problems of de facto segregation "are a challenge to equality of educational opportunity and must be met with the full thrust of our legal authority and moral leadership." The Board concluded its statement by urging that "wherever and whenever feasible, preference shall be given to those programs which will tend toward" a policy of elimination of existing segregation and curbing any tendency of its growth. This policy statement was followed with the issuance of various administrative regulations having the force of law in three specific areas:

1. School attendance zone,
2. The location of new schools, and
3. The formation of new school districts.

Thus, the State Board of Education has plainly, forcefully and repeatedly maintained that color is a relevant factor that must be considered in meeting the educational problems raised by de facto segregation. State Officials in New York and New Jersey have also adopted regulations requiring school boards to take steps to discontinue de facto segregation and some states such as Illinois have adopted statutes of similar import.

Now, I want to review with you six cases that I think are important in this field. I'll take you through them one by one and hope we can get some lessons from them.

The first and most basic one to us in California is the Jackson case, (Jackson v. Pasadena School District) which was decided by the California Supreme Court in June 1963. The plaintiffs in the Jackson case alleged that the Pasadena School District had intentionally gerrymandered its school boundaries and had so controlled the assignment of students as to permit most white pupils of junior high school age to avoid attending junior high schools where substantial numbers of Negroes were enrolled and to maintain one school which would be predominantly for Negro students. There was never a trial on the facts. These were the allegations and the school board essentially said, "So what? We are not violating any law in doing that. There are some Negroes in the white schools and some whites in the predominantly Negro schools. There is no segregation." The California Supreme Court rejected that argument and indicated that even though there were some Negroes in the predominantly white school and some whites in the predominantly Negro school, the school board's practice did involve discriminatory conduct. But, the court went much further and it is important to read exactly what the court said.

The U. S. Supreme Court in Brown v. Board of Education had made it clear that the segregation of school children into separate schools because of their race, even though the physical facilities and the methods and quality of instruction in the several schools may be equal, deprives the children of the minority group of equal opportunities for education and denies them equal protection and due process of law. The California Supreme

Court in the Jackson case recognized that the opportunity to receive the schooling furnished by the state "must be made available to all on an equal basis." Because it is by now the basic test of California's position on de facto segregation, I think it important that I read to you the concluding portion of the California Supreme Court's opinion in the Jackson case:

"Although it is alleged that the board was guilty of intentional discriminatory action, it should be pointed out that even in the absence of gerrymandering or other affirmative discriminatory conduct by a school board, a student under some circumstances would be entitled to relief where, by reason of residential segregation, substantial racial imbalance exists in his school. So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in providing Negro children with the kind of education they are entitled to have. Residential segregation is in itself an evil which tends to frustrate the youth in the area and to cause antisocial attitudes and behavior. Where such segregation exists it is not enough for a school board to refrain from affirmative discriminatory conduct. The harmful influence on the children will be reflected and intensified in the classroom if school attendance is determined on a geographic basis without corrective measures. The right to an equal opportunity for education and the harmful consequences of segregation require that school boards take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools regardless of its cause. Our State Board of Education has adopted regulations which encourage transfers to avoid and eliminate racial segregation (Cal. Adm. Code, Title 5, Sections 2010, 2011), and transfers for that purpose are provided for in New York City and elsewhere (see 1961 U. S. Commission on Civil Rights Report, Book 2, Education, pp. 104-107).

"School authorities, of course, are not required to attain an exact apportionment of Negroes among the schools, and consideration must be given to the various factors in each case, including the practical necessities of governmental operation. For example, consideration should be given, on the one hand, to the degree of racial imbalance in the particular school and the extent to which it affects the opportunity for education and, on the other hand, to such matters as the difficulty and effectiveness of revising school boundaries so as to eliminate segregation and the availability of other facilities to which students can be transferred."

Thus, it would appear that it is not necessary in California that representatives of minority groups show intentional discriminatory action in order to seek and obtain relief from the courts for the educational inadequacies that may result from de facto segregation in the schools.

It is important to note that the California Supreme Court's decision was not based on federal law. Thus, any federal cases that might hold that affirmative integration is not constitutionally required are not too significant. Since the California Supreme Court justified its approach on the basis of California law, only federal court cases holding that

affirmative integration is contrary to or violates the U. S. Constitution or federal laws would be in point. I know of no such cases.

The Jackson case was relied upon in the case of Keller v. Sacramento City Unified School Board decided in the Sacramento Superior Court in October, 1963. Here the facts were important. A junior high school in Sacramento was destroyed by arson. Approximately 49 per cent of the students in the school were Negroes. The evidence was clear that the area was to become even more predominantly Negro. Negro groups in the community filed an action designed to prevent the school board from installing portable classrooms on the burned-out-site and to forbid the school board from building another school at that site. They argued that both such actions would tend to intensify de facto segregation rather than alleviate it and would, in effect, result in the conscious establishment of a segregated school. Now what did the court do? Although it quoted from cases cited in the Northwest and New York and the like, the court made it clear that it really didn't have to go much further than relying on the Jackson case. The court indicated that in California in the light of the Jackson case and the regulations adopted by the State Board of Education, the law requires at the very least that the school board should make a prompt statement and evaluation based on the factors suggested in the State Board of Education's Regulations. However, the court noted that the school authorities were apparently meeting this obligation and had already undertaken a broad racial composition study of all the schools in the district "with the assistance of the State Department of Education." The court recognized that the school board had many alternatives in alleviating de facto segregation and said what I think most courts will say in the next few years, that "unless there are violations of legal guidelines courts should not attempt to supervise the administration of schools. Rather, this is the proper function of the community's educational policy makers elected by the community." And, I say amen to that. The court felt that the Sacramento school authorities were acting in good faith within the legal guidelines enunciated by the Jackson case and directed the school board to complete its study and to evolve a plan for the court's approval that would minimize racial imbalance. Thus, although the court gave the school board an opportunity to evolve its own plan free of court interference, it made clear that the school board had an affirmative obligation to come up with a plan that would promote better integration in the schools.

A New York federal court in 1962 said much the same thing. In Branche v. Board of Education of the Town of Hempstead, the court recognized the compulsory nature of the public school system and recognized also that an educational system that is compulsory and public must deal with inadequacy arising from adventitious segregation although it is not of the school board's making. "It cannot accept and endure segregation on the ground that it is not coerced or planned but accepted." Said the court: "Failure to deal with a condition as really inflicts it as does any grosser imposition of it." The court refused to prevent a lower court from determining whether the school board had sufficiently moved to deal with racial segregation in the school that arise from residential housing patterns.

Next, I want to review with you the Gary case. This case, Bell v. School Board of Gary, Indiana, involved an attempt to test a particular theory of constitutional law. The plaintiff's theory was that Negro students had a right to be integrated in schools and that this right was such an overriding right that no consideration at all need be given to such factors as the safety of children, the convenience of pupils and their parents, or the cost of operating the school system. Now, it is only when we understand this theory and realize what the application of this theory would require--particularly in light of the specific facts as they existed in Gary, Indiana, that we are able to assess and understand the subsequent rulings of the federal circuit court and the U. S. Supreme Court's subsequent refusal to review this case.

The evidence in the Gary case was clear that the school board and its administrative and teaching staffs were actually well integrated. The president of the school board was a Negro, and many of the school principals were Negroes. There were Negro teachers in all the schools but one. The court recognized the extremely complex transportation problems in Gary, with all the railroads from the east and southeast coming through this particular area so that school attendance boundaries were largely controlled by the existence of a river on one side and, on the other side, the problems of crossing heavily travelled railroad tracks which were mostly on the level. The court went to great lengths to point out the good will and effort made by the school district to meet the problems of de facto segregation and it recognized those factors which had limited the board in its ability to resolve the problem. It is with this background in mind that the court was faced with the argument that the school board must recast or realign the school district's boundaries so as to achieve racial balance "without regard to any of the other factors involved in such a process." The court held that the school board was under no such affirmative duty to change innocently arrived at school district boundaries where de facto segregation was caused by shifts in population. The case was appealed to the U. S. Supreme Court. That court refused to grant a hearing. (84 Sup. Ct. 1223).

And what do you do with that? How do you interpret the Supreme Court's refusal to grant a hearing--to issue a writ of certiorari? Well, the answer seems to be that you do with it just what you want to do. Lawyers will tell you that the denial of a hearing by the U. S. Supreme Court means very little. The Supreme Court may refuse to grant a hearing for all sorts of reasons, and they don't tell you what the reasons are. The Court may have refused to hear the case because it believed that this wasn't the right case on which to decide a very complex issue or because there wasn't any conflict between this case and any other case in the federal courts. The Justices may refuse to grant a hearing because there is no conflict between the various federal courts on that "issue." Whatever their reasons, the Justices don't tell us. Yet, immediately upon release of the news that the Supreme Court had refused to grant a hearing in the Gary case, everyone reacted just the way you expected them to. You could almost have forecast their reactions as if their responses had been programmed by a computer.

In cases like this, people who believe that a school board should do nothing, or who don't want to face up to the problems of doing anything about de facto segregation, clasp the Supreme Court's denial of a hearing to their bosom and say, "Aha, we don't have to do anything." (Unfortunately among this group are various county counsels, school boards and administrators in California). On the other hand, those who want to do something about the problems of de facto segregation point out that little or no significance need be attached to a denial by the Supreme Court of a petition for a writ of certiorari.

The way newspapers report things does much to mold our attitudes. For example, in the past, the press used to report simply that the U. S. Supreme Court had "denied a hearing" on such and such a case or had "refused to hear" such and such a case. Later the newspapers expanded the phrase and said that the court had "refused to hear and let stand" a lower court ruling that such and such was the law. Recently, however, perhaps under pressure to shorten sentences, the newspapers have reported the Supreme Court's actions by stating that the court "let stand a lower court ruling that" such and such was permissible or impermissible. This language creates a far different impression than stating that the court denied or refused to hear a case. By stating that the Supreme Court "let stand" a certain decision, the newspapers create the impression that the Supreme Court approved of the lower court's ruling and therefore let it stand. Such is not the case nor the effect of a denial of certiorari.

Let me now show you how we can butter our bread on both sides. Let us examine a recent New York Case, Balban v. Rubin (248 N.Y.S. 2d 574; affirmed 14 N.Y. 2d 193). In this case the school board adopted an attendance area for a new junior high school for the express purpose of reducing de facto segregation that had been caused by racial housing patterns. (They acted in exactly the opposite manner from the Pasadena school board in the Jackson case). The New York board not only admitted that it considered the racial composition of the neighborhood in drawing district lines for the new school, it took pride in the fact that it had done so and that it had done so for the express purpose of reducing the racial imbalance. The school board's action was challenged by some of the parents of white students in one of the schools. The court stated the issue very nicely: "The issue, we repeat, is: May (not must) the schools correct racial imbalance?" The court then proceeded to answer its own question: "The simple fact as to the plan adopted and here under attack is that it excludes no one from any school and has no tendency to foster or produce racial segregation." The U. S. Supreme Court "refused to grant" a hearing--October 19, 1964--in this case. It "refused to hear" the appeal--it "let stand" the school board's effort to help reduce de facto segregation.

One more. Just two weeks ago the Supreme Court refused to hear another case. This one from Kansas (Downs v. Board of Education of the City of Kansas City). Plaintiff's contended that the school board was under an affirmative duty to eliminate de facto segregation resulting

from racial residential patterns. Here again the court looked at the involved facts and although it recognized that racial imbalance did exist in the city school, the court held that this condition did not result from any gerrymandering of attendance area lines or the use of arbitrary assignment procedures designed to perpetuate segregation. The trial court said that this racial imbalance resulted from the board's good faith efforts to implement a neighborhood school policy. The federal court of appeals recognized that the 14th Amendment prohibits segregation but held that it does not command integration. The U. S. Supreme Court denied a hearing. So what?

The "so what?" was meant seriously because the guidelines for conduct permitted or required of school officials in California are not necessarily derived from any command of the 14th Amendment to the U. S. Constitution. They are derived from the Jackson case and decisions of our lower courts, such as in the Keller case in Sacramento, and from statutes adopted by the California Legislature, such as Education Code Section 1054 which requires that a school board maintain its schools "with equal rights and privileges as far as possible," and section 363 establishing the State Commission on Equal Opportunities in Education. In addition, and to some minds perhaps most important of all, these guidelines for meeting the problems of educational inadequacy caused by de facto segregation are derived from the heart and mind and conscience of us all. The law requires of you as school board members and school district administrators a good faith effort because what is involved here is not convenience but constitutional interests. The cultural, political and social world in which we live in California, here, right now, compels us all to assume this obligation and particularly you as educators are compelled to assume the responsibility to tackle with a will and with energy a difficult but very rewarding task.

Now, in conclusion, let me pass on to you the words of a knowledgeable reporter who made an excellent report on the lengthy and heated fight involving the New Rochelle School Board and the gerrymandering of school districts and attendance boundaries by that school board. Referring to the citizens of New Rochelle and the members of the New Rochelle School Board as well as all of those who were involved in the bitter struggle, the writer concluded his report by stating, "It is fair to say that all those involved in this extraordinary litigation have learned that regardless of the energy expended and the acrimony developed in the political processes, that these processes still provide far more satistactory methods of solving our disputes than adversary litigation." The law permits a good faith effort to deal with these problems. In many cases, the law requires such an effort. This is enough. Let others dispute as to just how much the federal Constitution requires of a school board. A good faith effort to meet these educational problems will, I can assure you, do much to keep the courts from your door.

CONFERENCE SUMMARY

Dan W. Dodson
Director, Center for Human Relations and Community Studies,
New York University

I have been given a number of questions. Some of them overlap a little, but I shall respond to them rapidly because they show the kinds of concerns that filtered out of the discussion groups. I think the modern word for it is "feedback".

The first question is this: "Some minorities prefer to remain in segregated schools even when given the opportunity to enroll or transfer to a heterogeneous school. What are our concerns here?"

I think there is no guarantee that any group doesn't feel some insecurity as it starts to move out of the little perimeters of selfhood into broader things. I think most of you face this with your children when they start to school on the first day; certainly if you send them to camp you face it. The question I was trying to raise yesterday was, "Is it not the responsibility of the board of education to lead children to the kinds of encounters with each other to the end that they learn the skills of citizenship commensurate with the era of which they are a part?" If so, then it is a matter of arranging these encounters as an <u>educational experience</u>. Whatever else we know, we know that we don't ask people if they want to mix. That is not up for option.

I realize this implies a threat to cultural integrity of some groups. I think we have to be sensitive to that issue. I'll come back to it in replying to another question. In the early experience of America we worked under the philosophy of intergroup relations known as the "melting pot". We got the concept from Israel Zangwill's wonderful play of the White Russian emigre girl who fell in love with a Jewish youngster she met at a settlement house. Her parents came from Russia to visit, and when her fiance saw the girl's father he recognized him as the person who had led the pogrom in Russia that had killed his father, and who had cut the tongue out of his uncle, a cantor. So here all the Old World hates boiled up and came between them. But, in the best American tradition, love overcame everything and it gave Zangwill the opportunity to say that this was the place where the dross of the Old World would be burned out and a new man would emerge. Although it was a beautiful symbol, as it was interpreted, what it amounted to was that the first arrivals, the Yankees, expected the immigrant to get in the pot, but they wouldn't get in with him. So the melting pot became putting the immigrant in there and turning the heat on. "Burn out all the dross" meant that you scuttled all the heritage--the creative contribution those groups had to make. What you and I are talking about today, I think, is a <u>cultural democracy</u> in which we believe every group has some strength, some gifts, that it will be encouraged to hold onto.

Even in the so-called anti-poverty program, poor people also have a strength to bring and contributions to make. It isn't a one-way street, and it is not going to be interpreted as putting all the deviants in the pot and turning the heat on. Unless we approach this issue in the democratic spirit of the right to hold onto heritage but the equal right to "slough it off" at the point at which the person wants to leave off and to move, why, we'll fall down in our commitment as educators. It was stated very well in one of the discussions groups this morning: Some of us in the so-called dominant group will learn Spanish as well as the Spanish-background youngster will learn English. And, out if it will come the kinds of reinforcement of a culture that will strengthen the whole establishment.

The second question is: "What is the definition of 'neighborhood,' given today's socially changing conditions?" "Neighborhood" to me means something in the sense of "nigh dweller." In the early days, this meant community, because we were dependent upon each other. Today, it may only mean that we have apartments in the same building or that we live in the same little section of town and have nothing more in common. Furthermore, the mobility of America means that very few of us stay any length of time in these little neighborhoods and ever develop this concern. We are rapidly developing, for instance, communities like Upper Saddle River in New Jersey, almost completely inhabited by young corporation executives who are on their way up. They are here this year and are going to be gone tomorrow. They are "corporation gypsies," and they use the neighborhood in which they live in about the same way that they use the Hilton Hotel when they are on their trips--a nice, antiseptic place to park the family while they are away. There is very little that exists there in the sense of neighborhood. This is what we are coming to in America. Neighborhood is growing weaker except when whites are threatened by the coming of Negroes. The nearer Negroes get the more sacred it becomes.

"What are the ways to affect the climate of a community when it is ready for a change of direction?"

I would submit that the power element in the community is never ready for change. I have never worked with a changing situation in which the people said they were ready for change. To tell you the truth, there is very little relation between the resistance that is put up when change is being effected and the acceptance of change once it is clear that the structure is going to be altered.

I think we oversell this notion of attitudes. I would submit to you that timing and not time is a dimension of change. Change depends on the quality of the experience and not the years of exposure. The people in power used to say, "You have to wait for God to change the hearts of men." The Lord thereby took the responsibility for resisting change. Soon this became too big a burden for the Lord to bear, so it was put on education. It is now said, "We can't move that fast. People have to be educated." But, the education comes at the point of the encounter. It

is not easy to do the educating until people are caught up in crisis. Some of those who have worked in desegregating neighborhoods say it is impossible to prepare a neighborhood to accept its first Negro family unless and until the family is there. That becomes the teachable moment in the situation.

"What are the characteristics and process by which we (educators) can involve total communities in solving problems?"

I think this happens when the total community feels that is it playing for keeps, and is not being put through the paces by the power structure in order to put up a facade. Most people know when they are being used. The difficulty usually is that what we talk about as total community involvement and process is the attempt to use people to accomplish our purposes rather than to come to communal decision-making as peers in power, and make decisions where everybody participates and every effort counts. This, I think, is very crucial. I believe that we get involvement and participation when people really think that it counts. Sometimes it is very hard for us to convince them that it counts, and we have some education to do there.

"More extensive analysis regarding the dangers and problems of ability grouping?"

I have said most of what I can contribute on that subject, except in one other context. That is the difficulty of our demonstrating what this means to the youngster of the dominant group. Bruno Bettelheim had a piece last year in the Saturday Evening Post, in the section called "Speaking Out," in which he pointed out that the enormous pressure to segregate upper-class children--academically oriented, academically facile--which puts enormous pressure on them, was creating problems that were of tremendous concern and was reflected in the alienation and the sense of lack of adjustment on the part of these upper-class youngsters in later life. This is illustrated in Scarsdale in Westchester County, in our section. Their study showed that they have the greatest concentration of high IQ's, probably, in any community in America. The upper 50 percent of their children score as high on IQ's as the upper 10 percent of the rest of the Nation. They found, in looking at this, that their kids made C's in college just as everybody else's kids did, despite all the pressure they put on them. You begin to get the backlash of it when you're out from under it, away from home. The agency people in Westchester refer to their maladjustment problems as "the Scarsdale syndrome." Bettelheim said it is awfully hard to cheat a real bright youngster out of his chance, but it is very easy to cheat a child out of his childhood. The right to be a child in our society is becoming one of the most precious of rights and is among the most seriously threatened. For this upper-class group puts inexorable pressure about achievement. I think we ought to be a little more insightful and a little more astute in our understanding of this problem.

"How can counseling for disadvantaged students be improved?"

I think we need to ask this question about all students--how can counseling be improved? How do we know that after job training and all this kind of thing, there will still be any present-type jobs when the youngsters get through? How are we going to pre-vision the kind of future that deals with this? I don't see it particularly as an intergroup relations problem, except that some counselors still feel that it would be unfair to advise youngsters to "reach for the stars" who might be embarrassed and rejected because of who they are. The counselors made the compromise for them instead of allowing them to bring the community to confrontation because they have prepared themselves. When I first went to New York University in 1936, I was concerned with this problem. I went to see Walter White, who was then head of NAACP, and Walter said, "You know, Dan, you can't argue for breaking down the barriers unless you've got qualified persons there to argue about. You can't argue just from theory. You have to have a qualified person there to talk about." And he said, "How do you know that five years from now, by the time these youngsters get trained, these patterns are not going to change?" I would like every counselor to feel confident that he and his school and his community can guarantee to every youngster that who he is and his background should not stand in the way by the time that youngster gets ready to take his place in society. I think we have no moral right to deprive that youngster of his chance to bring the community to confrontation by putting the blinds up between the stars and his eyes.

"What is the purpose of education, to lead or to serve the community?"

This is the big issue we're up against today in the totality of the education enterprise. Conant said in his book, Slums and Suburbs, what I hope he has taken back since, that if the community is no good, if the home is no good, there is not much the schools can do. I think the school's job is to lead in the social process. The school's job is to take up the slack wherever it exists in the community. It ought to be as sensitive to changes in the community as the barometer is to the weather. The program of education ought to be to pick up these changes as they occur. They ought to be reflected in education. This is the purpose of the community school, of community education, if it has any relevance or value whatever. And, good schools ought to make good communities. Good schools ought to make good homes. It isn't just a one-way street. Anybody who gives up on this is forfeiting the right of education to its place in our society.

"How do we disarm the community when the board takes a stand on de facto segregation?"

I think we mobilize all the resources we have to help interpret what is involved. It would make a lot of difference if some people were charismic enough in leadership to be able to persuade the community to see some of the things that we're trying to get at here. It would help a lot if some superintendents would just say that de facto segregation isn't good education, and we're just trying to move for quality education. If he doesn't feel

this, at least in part, it's awfully hard to disarm the community without it.

"What methods can be developed by local school districts to better utilize outside experts?"

Experts from the outside--and I understand that an expert is--"ex" is a has-been, and "spurt" is a drip under pressure. When they hired me as a consultant to the New York Board, one fellow said to Dr. Gross, "Dan is not a person who temporizes; what if he resigns because you stand up to him?" He said, "Oh, well, a consultant is a man who blows in and blows off and blows out."

But, it is possible to bring outside insights, skills and experiences. It makes a lot of difference how you plan to use the person, what kind of involvement takes place. I don't know, I've done a lot of it. I think the grants that are being made by the Federal Government now for assistance under the Civil Rights Act, Section IV, should make their use possible, and I think we ought to be accumulating some experience on how it is done best. Certainly, the expert should not be a "papa" who comes to make a decision for you. Certainly, he should not be expected to be a "yes man" to simply say that what you're doing is okay. But, he ought to appraise the situation so that you know what you're doing.

I don't think I have answered these questions too well. I'm probably in the position of the boy who went out to spend the night at the farm of his uncle. The old man sent him out in the morning to do the chores. And, when he got back, he said to him, "Did you feed the horses?" "Yeah." "What did you feed them?" "Corn." "Did they eat it?" "Yeah." "Did you feed the cows?" "Yeah." "What did you feed them?" "Hay." "Did they eat it?" "Yeah." "Did you feed the geese?" "Yeah." "What did you feed them?" "Shucks." "Did they eat it?" "I don't know. I left them talking about it." If I didn't answer the questions, at least I talked about them.

In a broader sense today, not only education but social work and all of our related community leadership is involved in testing the commitments that we are presumed to have. This was referred to by you, Mr. Chairman, when you were talking about what you are going to say in those foreign countries when you're away. I think one of the greatest tests we face as liberals in this day and age is that we feel that these are human problems we are dealing with, not racial problems or nationality problems. They are human problems that cut across the basic humanity of us all, and only incidentally happen to be racial or whatever. The issue is whether the commitments that we have are sufficient to cut across lines of race and creed; whether the ideologies to which we subscribe have redemptive and regenerative power for all people.

If this is so, we are now facing the great confrontation as to whether or not these test out in the crucible of community life in which

we are working. If they don't work, we need to ask ourselves whether it is the limitations of that to which we are committed, or whether in our affluence we have lost the ability to make vivid the life investments that count.

In a sense the problem is whether or not the basic faiths which we have can be validated in the modern-day experience with which we are dealing. Sometimes we get terribly frustrated with each other in this encounter. Sometimes, as Dr. Handlin said in The Uprooted, we are like an immigrant man and wife who became alienated from each other because of the uprootedness of the new environment in which they found themselves. Sometimes some among us wonder if it is worthwhile to go on trying to keep these lines of communication and these interactions going. I would submit that neither of us can withdraw and continue to experience human dignity. We are inextricably bound to one another in the encounter, and no one among us can withdraw--either into Black Muslimism, or into White Citizens Councils, or Parents and Taxpayers, or whatever, and continue to experience human dignity. We press on and seek for the resolution of it, and it seems to me we need to keep wrestling with each other as Jacob wrestled with the angel, to get the blessing from each other.

I am concerned over the issue called mixing of bodies versus integration, or desegregation versus integration. Here we face the problem of how to provide a quality of education that matches the challenge of desegregation. Obviously, "the mixing of the bodies," so-called, is not going to solve the problems. But, I would submit that they can't be solved until there is the mixing and the encounter is joined.

The community is not going to be much interested in dealing with the problem for everybody unless and until the whole community comes to confrontation with it. A lot of it would be helped if we understood more about how to match the encounter with the maturity level of the child. I thought I picked this up in the discussion this morning, particularly relating to the Spanish and Indian children in this kind of an encounter. Kurt Lewin said several years ago that the child needs the security of a ground on which to stand before he can make creative outreach to others. This has become the basis of Jewish education since the war. I think I would agree, by and large, that there is the need for this security. The issue, however, is where is such security seated. Does it have to be in the school? Is it in the home? Is it in the neighborhood of which he is a part? Where is it? And, granted that it is an emotional need of children, where does such security of "ground on which to stand" become a self-inflicted ghetto which ultimately maneuvers the person out of the mainstream of life and back into the eddy?

In matching the maturity level of the child with the encounter, how do you do it to the point that the maximum growth and development of the child is achieved? In New Rochelle I was rather convinced that, if attitudes are learned where we say they are learned, it was probably more important for them to come to encounters in the elementary schools and

kindergartens than it was in the high schools, because these are the places in which the rightness or wrongness of these relationships are learned. I must confess that a lot of this is "flying by the seat of the pants," and "by guess and by golly," and you don't know which would be more valid. But, I'm sure that Piaget's concept of matching the encounter with the maturity level of the child is an art of educational leadership at all levels about which we need to know much more.

I would submit to you today that we are now testing the outer dimensions of the role of science in education. It is so easy to say we're going to get a great Federal grant or a sum of money from somewhere to do a study or initiate a project. I rarely have seen an educational experiment that didn't turn out the way the experimenter planned it. Somehow, it always seems to work out. I think the reason is not that the experiment doesn't have validity, but most of the time we seek these grants to test theories on children where we have failed to provide good education to begin with. The major thing we have demonstrated, in most of them, is simply that if you provide kids with good education they will respond to it. But, as school boards have become limited in funds there is great impatience for the professional staff to cook up new gimmicks, new panaceas, new magic with more potency that will somehow do this job in ways that it never was done before. Most of the time it is used as a ruse to detract from the paucity of good education. It is easier to blame the parents a[illegible] children, and leave the impression that they are very hard to [illegible]ucate and you have to do extra things for them, than it is to provi[illegible] good education for all the children to begin with.

Before any of these nostrums that we're using can be accepted as having the magic we've claimed for them, they must be demonstrated and validated on kids where it is shown that good education failed to do it. Otherwise, we're simply selling the kids down the river and further reinforcing the stereotypes we have about them.

We approach the education of such children as if science had some key that is going to unlock something. I would submit to you that science by and large has great diagnostic capacity; it shows you what the boundaries and limitations are, but by and large science does not open the sails of imagination of children that lead them to see the vistas on far horizons. The great documents by which we live are not research documents. They may be documents of scholarship but they are not documents of research. No research project has produced a document that challenges the loyalties of men, or provided an ideology and a faith that undergirded personality and gave it meaning, structure and purpose, and gave men something to live by.

The great issue with which we are dealing today is, I believe, that we are impressed by the mystique of science, that somehow it is going to unlock all these doors and do all these jobs. I believe that fundamentally the issue is much more an ideological one, and that the big problem is to discover the kinds of ideologies that give life structure and meaning and purpose and redemptive and regenerative power.

Implicit here is that we all feel that we belong and are a part of the whole. I was thinking this morning, as we were talking, of the time in school when I was coming along. I don't know if you still do it, but we had declamation contests. One of them was called, "I am an American." I can see those youngsters step out in their insecurity and say, "I am an American!" Two steps forward, straighten up, and start the declamation. It was a wonderful piece. It stirred the heart as you listened to it...the person who came in the Mayflower...the immigrant... But somehow the Negro, the Spanish-speaking person were not included. The big issue with which we are dealing is that the Negro has never been allowed to think that he is part of the American dream, that it was for him as for the others. The issue is that of selfhood not one of intelligence. It is a matter of the spirit.

How we deal with this subject becomes the great issue--the business of integration rather than simply desegregation.

Finally, I would simply leave this question with you. Fundamentally, professional people, as they become professional, by the very fact of their stature, find themselves identified with the power order of the society. The drummer to which they listen tends to be that of the middle-class group. A great sociologist once said that "Seldom does the new conscience when it seeks a voice declare that which is wrong. Find him among the dignitaries of the church, the press, the order that is; the higher the rank, the closer the tie that binds these to what is, but ought not to be."

As we get this social distance, it becomes increasingly hard for us to see the creativeness of that youngster who is different. I would submit that no artisan can be creative and not respect the materials with which he works. If you stop to think about it, I think this is fairly commonplace. <u>No artisan can be creative and not respect the materials with which he works</u>.

It seems to me that the biggest challenge we face today is whether or not this intervening variable gets in the way when we try to apply what we know to what is, the human estate. And, at this conference, it seems to me, one of the great, soul-searching questions is whether we are going to be professionals, artisans, as we come to grips with these issues.

Do we respect the materials with which we work? I would submit that if you work with children, this is the great frontier of American life, the great frontier of the world.

"Who knows what God shall deem success?
"Great wealth and things, and buildings tall,
"To which men turn for happiness may not suit His design at all?
"May not suit His design at all.

"It may be we shall see,
"When life's last days on earth are through,
"That the will to share life's common cause,
"Is all He asks of me and you."

REACTION SESSIONS

(A summary of major concerns expressed by the conferees)

+ Adults as well as children of socially and economically disadvantaged families must be "reached" if there is to be effective motivation and participation in the educational process.

+ Mexican Americans and other Spanish-speaking groups are not "culturally deprived" but culturally different. The schools need to develop sensitivity and special approaches if these children are to have equal opportunity for education.

+ The role and authority of each agency dealing with intergroup relations, including school boards, administrators, community groups, and the State, should be more clearly identified. Many expressed a need to call the attention of school board members to problems they face and solutions they could initiate.

+ Regional differences exist, and regional conferences were suggested as a means of inspiring "grass-roots" programs in school and community.

+ Much depends on an adequate understanding of democratic values, which requires the best possible teaching of the social sciences.

+ Teachers and other personnel who are members of minority groups can contribute to improved intergroup relations and effective education. Teachers of all groups should be motivated and trained to work with minority children and adults.

+ New ideas are needed in such fields as curriculum, teaching and counseling methods, and school organization. The results of pilot projects, such as those in compensatory education under the McAteer Act, should be made widely known. Many wanted a "clearinghouse" of new ideas and information, probably at State level.

+ Counseling is seen as a key to relating school and home, as well as to improved motivation and achievement. Many urged more attention to minority youth by counselors who are prepared to communicate with them and to understand their aspirations and strengths.

+ Schools, as the place where members of all groups meet and where community problems become defined, should be initiators of community action. Trustees and administrators should work cooperatively with leaders of various sectors of the community to provide the necessary understanding and communication.

+ There is a serious gap in communication between middle-class people and the disadvantaged or poor. Educators are handicapped because they are

strongly identified with the former group. They should train themselves to communicate with those outside the middle class, and should utilize whatever "interpreters" are available.

+ Schools are often called upon too late to provide equal opportunities, when housing and other economic conditions have imposed de facto segregation on the community. Some conferees said educators should participate in early planning of developments which may lead to the establishment of new schools or new attendance areas.

Session 1: Norman Houser, San Diego City Schools, discussion leader; William H. Payne, San Diego City Schools, recorder

Session 2: Andrew J. Viscovich, Oakland City Schools, discussion leader; Lulamae Clemons, Riverside County Schools, recorder

Session 3: William L. Cobb, San Francisco City Schools, discussion leader; Roger C. Monroe, California State Department of Education, recorder

Session 4: Zane Meckler, American Jewish Committee, discussion leader; Charles Nagel, Marin County Schools, recorder

Session 5: Richard Baca, Montebello Schools, discussion leader; Margaret L. Brown, Mountain View Elementary Schools, recorder

Session 6: Julio Escobedo, Stockton City Schools, discussion leader; James T. Coffis, Sequoia Union High Schools, recorder

Session 7: Carrol W. Waymon, Citizens Interracial Committee, San Diego, discussion leader; Agnes G. Fraser, Ravenswood Elementary Schools, recorder

INFORMATION SESSIONS

A. MINORITY GROUPS. What are their social, economic and cultural characteristics? What are their aspirations and strengths?

Five representatives of ethnic minority groups gave their opinions regarding the social, economic, and educational problems of their respective groups. All mentioned the damaging effects of poverty, isolation, cultural deprivation, inferior status and the difficulties of communicating with and relating to members of the majority group. Although they agreed that there is value in preserving certain cultural aspects of their individual groups, they also saw equal educational opportunity as the means by which their children might enter the mainstream and participate in the responsibilities and rewards of contemporary American society.

Chairman: Eugene Gonzales, Assistant to the Superintendent of Public Instruction, State of California

Panel: Staten Webster, University of California, Berkeley; Marcos de Leon, Los Angeles City Schools; Roy Takeuchi, Berkeley City Schools; Adam Nordwall, Bay Area Council of American Indian Affairs; James W. Chin, University of the Pacific, Stockton

Reactors: Richard Baca, Montebello Schools; Aileen Hernandez, California Division of Fair Employment Practices; Alfred Hicks, Bay Area Council of American Indian Affairs

Recorder: Jesse Wall, Riverside City Schools

B. PLACING RESPONSIBILITY. In dealing with problems of desegregation, integration and intergroup relations, what are the responsibilities of the school board, of the administrator and his staff, of the community?

There is a common responsibility for discerning present and future educational needs in the light of social change, and boards, administrators and community groups must work together. School professionals, being skilled and informed in this field, and board members, who are elected to represent the community, should exert effective leadership. Research, planning, and broad participation of many groups in decision-making has characterized school districts which have moved toward integration. The most successful efforts have commenced prior to any crisis. With the enormous growth and mobility of population in California, there is a need for continuous study and planning to achieve integration in the schools.

Chairman: George Rusteika, Assistant Superintendent of Schools, Alameda County

Panel: Superior Judge Redmond C. Staats, Jr., Hayward; Walter Shatford, Pasadena Board of Education; Denzil E. Widel, Fontana Schools; Ocia A. Peters, Garden Grove Elementary Schools

Recorder: Aaron Shotten, University of California, Berkeley

C. THE TEACHING PROFESSION. How can the recruitment, selection and assignment of teachers, especially those who are members of minority groups, contribute to integration and good intergroup relations? What pre-service and in-service training programs are appropriate and effective?

Creative and understanding approaches are essential in teaching the disadvantaged, about whom we retain many unfounded assumptions. Educators involved in the training of new teachers can learn much from the experience of research-oriented teachers in the schools. Administrator-staff relationships are important in developing good policies, as are teacher-pupil relationships in developing rapport with minority students. Special efforts are required to expand the supply of qualified personnel, for example, a clearinghouse of information about teaching positions, and the involvement of potential teachers in teaching experiences earlier in their college careers.

Chairman: James Bixler, Associate Chairman, Division of Education, San Francisco State College

Panel: Marie Fielder, University of California, Berkeley; Herbert Wennerberg, University of California, Berkeley; Fred Tillman, Oakland City Schools; John Connelly, San Francisco State College

Recorder: Roderic V. Moore, Ravenswood Elementary Schools

D. WORKING WITH THE PROBLEM OF DE FACTO SEGREGATION. What methods of desegregation have been used in California and elsewhere? What has been the experience with them? What practices and programs are useful in promoting integration?

A variety of possible methods were listed. Desegregation is not a goal in itself, but one step toward integration. Special programs are needed to compensate for educational handicaps; staff, pupils, and parents should be trained in democratic values and relationships, and all children should have the opportunity to learn the history, traditions and values of diverse groups. Consultation and cooperation with members of minority groups will strengthen participation and community support. Broadly representative citizen committees and careful preparation are helpful in winning public acceptance of desegregation programs. During a period of transition, it is necessary to have staff understanding, student leadership which understands its role, flexibility in curriculum and housing, coordination

by a designated professional, and a realistic appraisal of student supervision inside and outside school.

Chairman: Sam Hamerman, Administrator of Urban Affairs, Los Angeles City Schools

Panel: Ray Pitts, Pasadena City Schools; Tom Wogaman, Berkeley City Schools; Wilson Jordan, Los Angeles City Schools; Ruby Dyer, Berkeley City Schools; Naseeb M. Malouf, Grant Union High School; Ted Neff, California State Department of Education

Recorder: Gerald Miller, California State Department of Education

E. COMMUNICATION AND COMMUNITY DEVELOPMENT. How do schools deal with social protest? What are methods of communicating with minority groups and of promoting school-community relations?

Educators cannot function apart from the community. The purpose of community development, in this context, is to help people help themselves. An important aspect of the problem is that middle-class people--the affluent, professionals, and public officials--do not understand or communicate well with the disadvantaged. A bridge is needed between the "ins" and "outs". A formal adult education program will not work, yet parents must become involved if disadvantaged children are to benefit from education. Examples were given of two fundamentally different approaches: cooperative negotiation or persuasion, and power-conflict or controversy. Educational problems must be seen in their relation to other social and economic problems of minority people. It is no longer satisfactory to deal with such problems on an individual basis; group communication, group involvement, and group solutions are required.

Chairman: William Stockard, Assistant Superintendent of Schools, Merced County

Panel: Opal Jones, Avalon-Carver Community Center, Los Angeles; Edward P. Dutton, Oakland Interagency Project; Arthur Jenkins, Carver Christian Community Center, Dos Palos

Recorder: Arley Howsden, Chico State College

F. NEW PROGRAMS AND RESOURCES. What sources of funds, personnel and program assistance are available to school districts in providing equal educational opportunities for children of previously deprived groups?

The "interagency" approach in large cities involves many voluntary agencies (30 of them cooperate with the Economic and Youth Opportunities Agency in Los Angeles) and contracts or grants under various

government programs. Community action under the Economic Opportunity Act also involves many agencies in a concerted plan. Schools may receive funds, consultation, and assistance in educational projects of many types, or may participate in many-pronged community approaches to solving problems of poverty, deprivation, and disadvantage. Among programs and resources of special interest to education: Civil Rights Act of 1964; McAteer Act (compensatory education); Economic Opportunity Act of 1964; National Merit Scholarships, and other opportunities for higher education; National Defense Education Act; Vocational Education Act; and the Elementary and Secondary Education Act of 1965.

Chairman: Walter Parker, Deputy Director, Economic and Youth Opportunities Agency, Los Angeles

Panel: William Fowler, Los Angeles County Schools; Frank O. Fenley, Los Angeles County Schools; William Bailey, Los Angeles City Schools; Benjamin W. McKendall, Jr., College Entrance Examination Board, Palo Alto; Arthur E. Phelan, California State Department of Education

Recorder: Edwin F. Klotz, California State Department of Education

THE SCHOOLS AND CULTURAL DIVERSITY: A MINORITY REPORT

A moderator and four panelists including representatives of four ethnic minorities--Americans of Indian, Mexican, Negro, and Chinese descent--discussed cultural diversity and the attitudes of members of their groups concerning the role of school, home, and community in encouraging educational achievement.

The Chinese American emphasized the strength of his cultural heritage and the traditional role of the family in motivating young people to build a positive self-image and to seek advancement through learning. He deplored a tendency in the present young generation to ignore tradition and to identify with less admirable attitudes of some in the majority group.

The Negro panelist discussed the influence of inadequate or misguided counseling on the development of a negative self-image, low aspiration and failure to become qualified for careers. "Many educators still underrate the ability of members of minority groups to succeed in school and in employment at higher levels," he said.

The Mexican American also believed that the attitude of teachers discourages pupils of the Spanish-speaking group. He stressed their failure to understand and appreciate the Spanish language and related cultural values.

The American Indian joined in the view that stereotypes of ethnic groups handicap educators in their attempts to deal with children. A willingness to understand individual and cultural differences would enable teachers to communicate with minority pupils and bring out their best. Although competition and hard work have helped many to succeed, she believed that financial aid and scholarships are needed to help youth of low-income families to complete high school and college.

It was the consensus that (1) school counselors should learn to know the strengths and styles of diverse groups and should give individual pupils according to their interests and abilities, regardless of ethnic identification; (2) home attitudes are important and parents must be informed of educational goals and needs; and (3) schools must actively seek to enlist the interest and participation of minority adults in the welfare and education of their children.

Chairman: Kimball Salmon, Jr., Assistant to Deputy, Special Services, Sacramento City Schools

Moderator: Ruth B. Love, Special Consultant, Bureau of Pupil Personnel Services, State of California

Panel: Luis Nebrete, Consultant, California State Assembly; Robert R. Tyler, California State Department of Corrections; Marie Potts, Federated Indians of California; Bill H. Fong, Attorney, Sacramento

Recorder: Marcus F. Davis, Superintendent, Sausalito Elementary Schools

CONFERENCE PROGRAM

Tuesday, March 16, 1965

Dinner program

Chairman: Edward C. Maddox, Attorney, and Chairman, Commission on Equal Opportunities in Education

Introductions: Paul F. Lawrence, Associate Superintendent of Public Instruction, State of California

Welcome: Max Rafferty, Superintendent of Public Instruction, State of California

EQUAL EDUCATIONAL OPPORTUNITIES IN A CHANGING SOCIETY
John Hope Franklin, Professor of History
University of Chicago

Wednesday, March 17, 1965

First general session

Chairman: Walter Maxwell, Assistant Executive Secretary, California Teachers Association, and Member, Commission on Equal Opportunities in Education

THE BASIS IN LAW
Richard Mayers, Deputy Attorney General, State of California

Reaction sessions

Second general session

Chairman: Wilson C. Riles, Executive Secretary, Commission on Equal Opportunities in Education, and Chief, Bureau of Intergroup Relations, State of California

DE FACTO SEGREGATION AND THE NEIGHBORHOOD SCHOOL
Dan W. Dodson, Director, Center for Human Relations and Community Studies, New York University

Six information sessions

Thursday, March 18, 1965

Third general session

Chairman: Kimball Salmon, Jr., Assistant to Deputy, Special Services, Sacramento City Schools

THE SCHOOLS AND CULTURAL DIVERSITY: A MINORITY REPORT
Moderator: Ruth B. Love, Special Consultant, Bureau of Pupil Personnel Services, State of California

Reaction sessions

Luncheon program

Chairman: J. Marc Jantzen, Dean, School of Education, University of the Pacific, and Member, Commission on Equal Opportunities in Education

CONFERENCE SUMMARY
Dan W. Dodson, Director, Center for Human Relations and Community Studies, New York University

MATERIALS* DISTRIBUTED AT CONFERENCE
"EQUAL EDUCATIONAL OPPORTUNITIES IN A CHANGING SOCIETY"
West Sacramento, California
March 16-18, 1965

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*Copies of most of these items are available, upon request, from Bureau of Intergroup Relations, California State Department of Education, 721 Capitol Mall, Sacramento, California 95814

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